

REMARKS

Reconsideration of the above-identified application in view of the foregoing arguments is respectfully requested.

Claims 60-79 have been deleted. New claims 80-84 have been added. No new matter has been added as a result of the addition of these claims.

Rejection of Claims 60-68 and 70-79 Under 35 U.S.C. Section 101

Claims 60-68 and 70-79 are rejected under 35 U.S.C. Section 101 as lacking a specific, substantially asserted utility or a well-established utility. Claims 60-79 have been deleted. In view of the deletion of these claims, Applicants submit that this rejection is now moot and should be withdrawn.

Claim Objections

Claim 66 is objected to because it is dependent on a canceled claim (claim 59). Claim 66 has been deleted. In view of the deletion of this claim, this rejection should be withdrawn.

Claim Rejections - 35 U.S.C. Section 112

Claims 72-78 are rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. Therefore, in view of the deletion of these claims, this rejection should be withdrawn.

Claim Rejections - 35 U.S.C. Section 102

Claims 60-62 and 65 are rejected under 35 U.S.C. Section 102(a) as being anticipated by Incyte LifeSeq™ Database. The Examiner refers to statements made in

Applicants specification that the nucleic acid clones for the sequences of SEQ ID NOS 1-3 (1662885, 893988 and 1209814) were procured from the Incyte Genomics database. According to the Examiner, "[I]t is noted that the nucleotide sequence is an inherent property of the nucleic acid clones. Therefore, polynucleotides consisting of SEQ ID NOS 1 and 3, as well as those that could be produced by either recombinant techniques or synthetic techniques, as well as compositions of matter comprising a polynucleotide of SEQ ID NO:1 or SEQ ID NO:3 were known and used in the art at the time of the filing of the instant application." Applicants respectfully traverse this rejection. Claims 60-62 and 65 have been deleted. In view of the deletion of these claims, Applicants submit that this rejection should be withdrawn.

Claims 60-62 and 65 are rejected under 35 U.S.C. Section 102(b) based upon public use or sale of the invention. Basically, the Examiner repeats her arguments made above with respect to the 35 U.S.C. Section 102(a) rejection. Claims 60-62 and 65 have been deleted. In view of the deletion of these claims, Applicants submit that this rejection should be withdrawn.

Claims 60-62 and 65 are rejected under 35 U.S.C. Section 102(f). Basically, the Examiner repeats her arguments above with respect to the 35 U.S.C. Section 102(a) rejection. Claims 60-62 and 65 have been deleted. In view of the deletion of these claims, Applicants submit that this rejection should be withdrawn.

Claim 67 is rejection under 35 U.S.C. Section 102(b) as being anticipated by Genbank Accession No. R75793 (June 6,

1995). According to the Examiner, Accession number R75793 teaches a nucleic acid sequence that encodes a fragment of SEQ ID NO:16. More specifically, the Examiner states that "nucleic acid positions 65-298 of R75793 encode amino acids 9-86 (i.e., a fragment of) SEQ ID NO:16." Claim 67 has been deleted. In view of the deletion of this claim, Applicants submit that this rejection should be withdrawn.

Claim Rejections - 35 U.S.C. Section 103

Claim 79 is rejected under 35 U.S.C Section 103(a) as being unpatentable over the Incyte LifeSeq™ Database in view of Ahern, Holly. Applicants respectfully traverse this rejection.

Claim 79 has been deleted. Therefore, this rejection should be withdrawn.

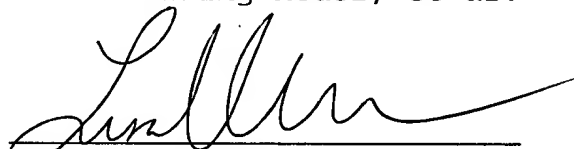
Claims 63-64, 70, 72, 74, 75 and 77 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Incyte LifeSeq™ Database in view of Londos et al. Claims 63, 70, 72 and 75 have been deleted. Therefore, in view of the deletion of these claims, Applicants submit that this rejection should be withdrawn.

Claims 71, 73, 76 and 78 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Incyte LifeSeq™ Database in view of Londos et al., as applied to claims 70, 72, 74, 75 and 77 above, and further in view of Panadian et al. Claims 71, 73, 76 and 78 have been deleted. Therefore, in view of the deletion of these claims, Applicants submit that this rejection should be withdrawn.

Conclusion

In view of the aforementioned amendments, Applicants respectfully submit that the above-referenced application is now in a condition for allowance and Applicants respectfully request that the Examiner withdraw all outstanding objections and rejections and passes the application to allowance.

Respectfully submitted,
P. A. Billing-Medel, et al.

A handwritten signature in black ink, appearing to read 'Lisa V. Mueller', is written over a horizontal line.

Lisa V. Mueller
Registration No. 38,978
Attorney for Applicants

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON ST., SUITE 3800
CHICAGO, IL 60661
(312) 876-1800
(312) 876-2020